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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,524	03/01/2004	Douglas P. Gethmann	06005/39970	2733

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MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/790,524	Applicant(s) GETHMANN, DOUGLAS P.	
	Examiner Ernesto Garcia	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on March 29, 2006. These drawings are acceptable.

Claim Objections

Claim 23 is objected to because of the following informalities:

regarding claim 23, "ins" in line 12 should be --in--. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 22, the subject matter in this claim is redundant because claim 23, lines 11-12, recites the same scope.

Claim Rejections - 35 USC § 102

Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans, 2,844,830 (see marked-up attachment provided in the last Office action).

Regarding claim 1, Evans discloses, in Figure 1, a locking mechanism comprising a body 1 and a wedge 2. The body 1 extends along an axis A9 and has an outer side surface A10 sized. The body 1 defines a first axial end A11 and a second axial end A12. The wedge 2 projects from the first axial end A11 of the body 1. The wedge 2 has an inner engagement surface A16 and an outer engagement surface A17. The wedge 2 is sufficiently pliant.

Applicant is reminded that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

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Therefore, the inner engagement surface **A16** can be adapted to engage an insertion end of a male member, and the outer engagement surface **A17** can be adapted to engage the threaded aperture of a female member. Further, the first axial end **A11** can be positioned in the threaded aperture to face out of the threaded aperture.

Regarding claim 3, a central portion of the first axial end **A11** defines a cavity **4** that forms the inner engagement surface **A16**.

Regarding claim 4, the cavity **4** has a cone shape.

Regarding claim 5, the cone shape has a vertex angle of approximately 120 degrees.

Regarding claim 6, the wedge **2** is able to deform radially outward as an insertion force is applied to a male member.

Regarding claim 7, the male member, the female member, and the body are formed of a similar material (note that the cross hatching is metal for all components).

Claims 1-7 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Martus, 1,753,154 (see marked-up attachment).

Regarding claim 1, Martus discloses, in Figure 1, a locking mechanism comprising a body **A8** and a wedge **A13**. The body **A8** extends along an axis **A9** and has a non-threaded outer side surface **A10**. The body **A8** defines a first axial end **A11** and a second axial end **A12**. The wedge **A13** projects from the first axial end **A11** of the body **A8**. The wedge **A13** has an inner engagement surface **15** and an outer engagement surface **A17**. The wedge **A13** is sufficiently pliant.

Applicant is reminded that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Therefore, the inner engagement surface **15** can be adapted to engage an insertion end of a male member, and the outer engagement surface **A17** can be adapted to engage the threaded aperture of a female member. Further, the first axial end is able to be positioned in the threaded aperture to face out of the threaded aperture.

Regarding claim 2, the wedge **A13** forms a continuous rim extending around the first axial end **A11** of the body **A8**. The rim has a triangular cross-section.

Regarding claim 3, a central portion of the first axial end **A11** defines a cavity **15** that forms the inner engagement surface **15**.

Regarding claim 4, the cavity **15** has a cone shape.

Regarding claim 5, the cone shape has a vertex angle of approximately 120 degrees.

Regarding claim 6, the wedge **A13** is able to deform radially outward as an insertion force is applied to a male member.

Regarding claim 7, the male member, the female member, and the body are formed of a similar material (Note that the material is metal).

Regarding claim 9, Martus discloses, in Figure 1, a locking assembly comprising a first connection member **A1**, a second connection member **A4**, and a locking mechanism **10**. The first connection member **A1** defines an insertion end **A2** formed with male thread **A3**. The second connection member **A4** defines an aperture **A5** formed with female thread **A6** complementary to the male thread **A3**. The locking mechanism comprises a body **A8** and a wedge **A13**. The body **A8** extends along an axis **A9** and has an outer side surface **A10** sized. The body **A8** defines a first axial end **A11** and a second axial end **A12**. The wedge **A13** projects from the first axial end **A11** of the body **A8**. The wedge **A13** has an inner engagement surface **15** and a substantially smooth outer engagement surface **A17**. The wedge **A13** is sufficiently pliant.

Applicant is reminded that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Therefore, the inner engagement surface **15** can be adapted to engage an insertion end of a male member, and the outer engagement surface **A17** can be adapted to engage the threaded aperture of a female member.

Regarding claim 10, the first connection member **A1** comprises an extension stem, and the second connection member **A4** comprises a valve actuator rod.

Regarding claim 11, the wedge **A13** forms a continuous rim extending around the first axial end **A11** of the body **A8**.

Regarding claim 12, a central portion of the first axial end **A11** defines a cavity **15** that forms the inner engagement surface **15**.

Regarding claim 13, the cavity **15** has a cone shape.

Regarding claim 14, the cone shape has a vertex angle of approximately 120 degrees.

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Regarding claim 15, the locking mechanism **10**, the first connection member **A1**, and the second connection member **A4** are formed of materials having similar hardness and strength.

Applicant is reminded that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Therefore, the inner engagement surface **15** can be adapted to engage an insertion end of a male member, and the outer engagement surface **A17** can be adapted to engage the threaded aperture of a female member.

Claims 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stitt, 3,352,343 (see marked-up attachment).

Regarding claim 23, Stitt discloses, in Figure 2, a locking mechanism comprising a valve actuator rod **1**, an extension stem **6**, and a generally cylindrical body **2**. The rod **1** has a threaded aperture **5**. The stem **6** has a tip **8**. The body **2** has a second end **16** and a first end (near **8**). The second end **16** faces into the aperture and the first end faces out of the aperture **5**. The first end of the body **2** forms a deflectable wedge with a triangular cross-section. The wedge has a generally conical inner engagement surface **12** and a non-thread outer engagement surface **A1**.

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Applicant is reminded that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Therefore, the inner engagement surface can be adapted to engage the tip of the extension stem and the non-threaded outer engagement surface can be adapter to engage the threaded aperture of the rod. Further, the deflectable wedge can outwardly deflect against the threaded aperture in response to an insertion force.

Regarding claim 18, the wedge forms a continuous rim extending around the first axial end.

Regarding claim 19, a central portion of the first axial end defines a cavity that forms the inner engagement surface 12.

Regarding claim 20, the cavity has a cone shape.

Regarding claim 21, the cone shape has a vertex angle of approximately 120 degrees.

Regarding claim 22, the wedge 2 is able to deform radially outward as an insertion force is applied to a male member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans, 2,844,830.

Regarding claim 8, Evans, as discussed above, fails to disclose the material formed of a 300 series stainless steel. Applicant is reminded that, within the general skill of a worker in the art, selecting a known material on the basis of its suitability for the intended use is a matter of obvious design choice. Further, it is well known that 300 series stainless steel is a well known material that prevents rusting. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made select a 300 series stainless steel for the material to prevent rusting of the components. *In re Leshin*, 125 USPQ 416.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martus, 1,753,154.

Regarding claim 16, Martus, as discussed above, fails to disclose the material formed of a 300 series stainless steel. Applicant is reminded that, within the general skill of a worker in the art, selecting a known material on the basis of its suitability for the intended use is a matter of obvious design choice. Further, it is well known that 300 series stainless steel is a well known material that prevents rusting. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made select a 300 series stainless steel for the material to prevent rusting of the components. *In re Leshin*, 125 USPQ 416.

Response to Arguments

Applicant's arguments filed March 29, 2006 have been fully considered but they are not persuasive.

Applicant argues that Evans's Wedge does not face out of the threaded aperture. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the first axis end of the body facing out of the threaded aperture) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, according to Evans, "the first

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axial end is able to be positioned (positionable) in the threaded aperture to face out of the threaded aperture". One merely has to turn the body 180 degrees.

Applicant argues that Evans does not disclose a non-threaded outer surface on the body. The examiner disagrees because the non-threaded outer surface depicted by the tapered 2 is a non-threaded outer surface on the body. Applicant further argues that Evans cannot support a *prima facie* case of obviousness. In response, applicant should note that the rejections based on Evans are not made under an obviousness rejection but rather anticipation under 35 U.S.C 102.

With respect to Martus, applicant has the end A11 does not face outwardly and the surface A17 is not positioned "engage the threaded aperture of the female member". In response, this is not persuasive. According to Martus, end A11 has a face and therefore, the end A11 will face outwardly. Further, it is clear that the surface A17 will engage the threaded aperture of the female member because there is a thread connection at the interface. Applicant further argues that Martus cannot support a *prima facie* case of obviousness. In response, applicant should note that the rejections based on Martus are not made under an obviousness rejection but rather anticipation under 35 U.S.C 102.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams, 2,254,924, and Busse, 3,964,948, show a similar locking mechanism.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-

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7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL.

Daniel P. Stodola

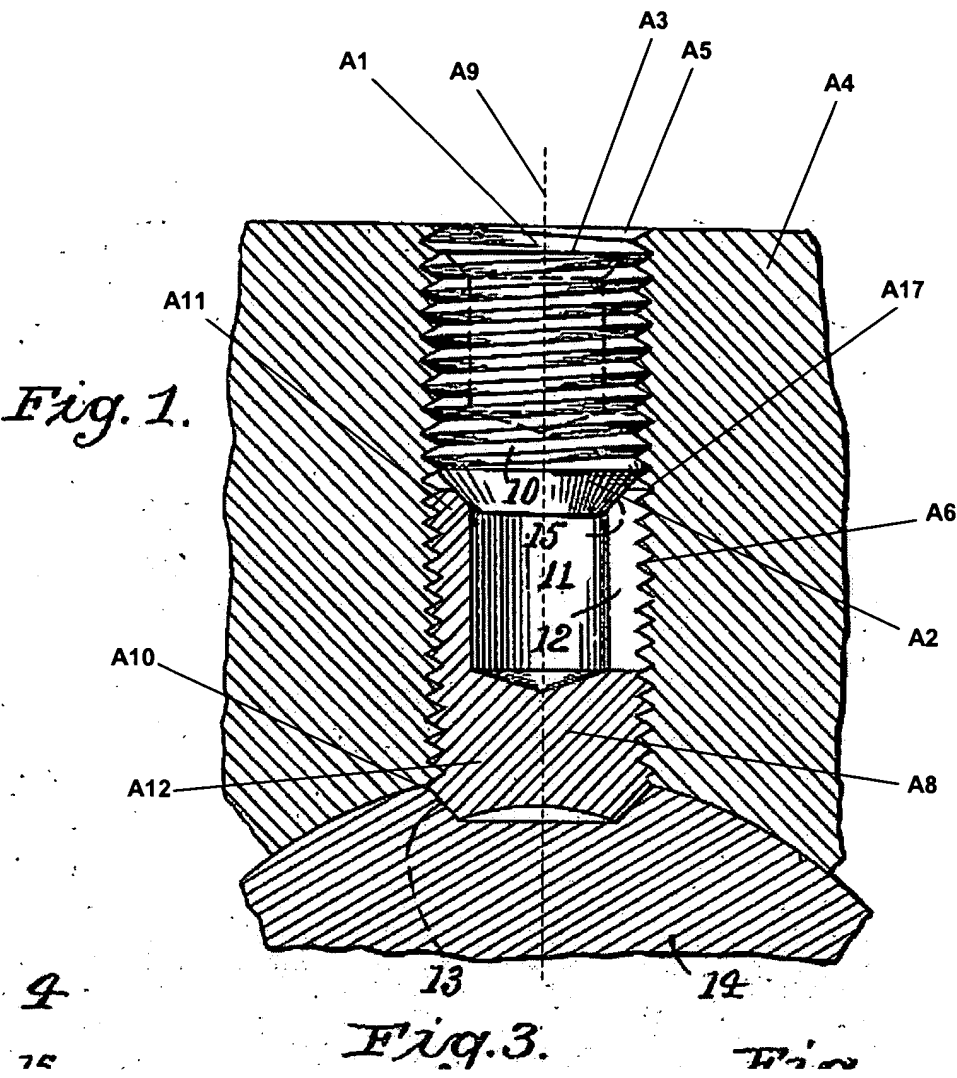
E.G.

June 12, 2006

Attachments: one marked-up page of Martus, 1,753,154
one marked-up page of Stitt, 3,352,343

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Martus, 1,753,154



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Stitt, 3,352,343

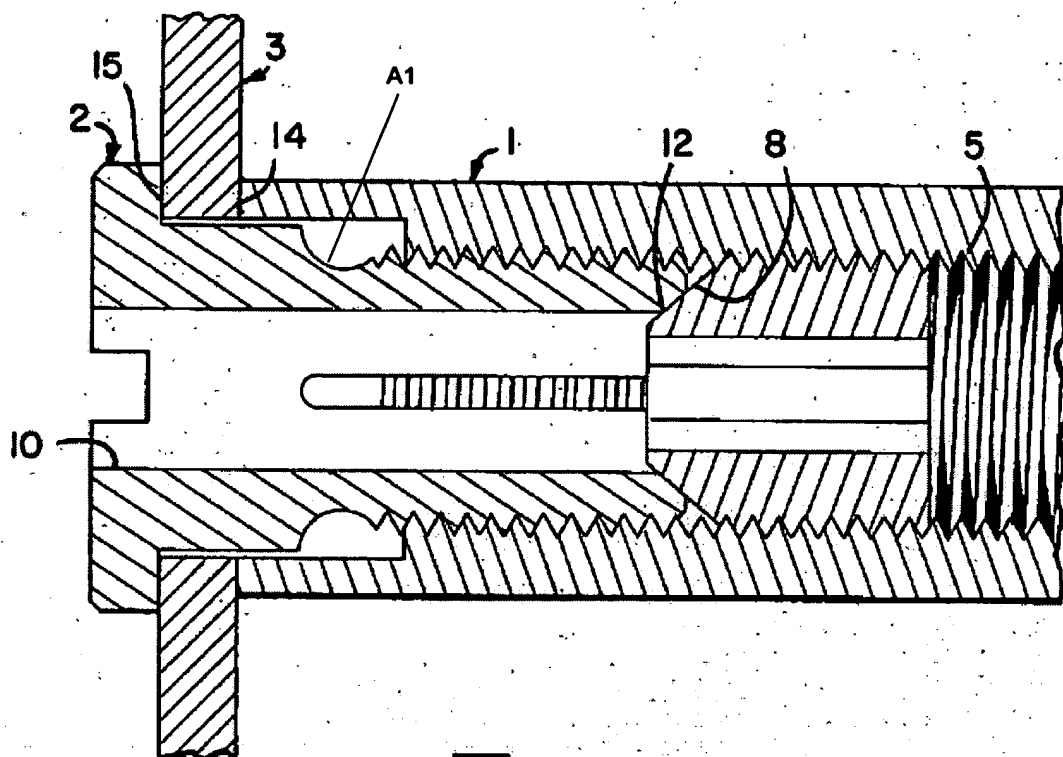


Fig - 2